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In re Application of
DE WET, Willem Johannes
Application No.: 10/009,110
PCT Application No.: PCT/ZA00/00104
International Filing Date: 06 June 2000
Priority Date: 07 June 1999
Attorney's Docket No.: 01-1749
For: BENEFICIATION OF ZIRCON

DECISION ON
REQUEST
UNDER 37 CFR 1.42

This decision is in response to applicant's "Supplemental Response to Notification of Missing Requirements," submitted on 14 August 2002.

BACKGROUND

On 06 June 2000, applicant filed international application PCT/ZA00/00104, which claimed a priority date of 07 June 1999 from application ZA 99/3815. A Demand for international preliminary examination, in which the United States was elected, was timely filed on 13 November 2000. Accordingly, the thirty-month period for meeting the requirements for entry into the national stage expires at midnight on 07 December 2001.

On 07 December 2001, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the requisite basic filing fee. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau. Applicant did not submit an oath or declaration of the inventors (35 U.S.C. 371(c)(4)).

On 14 February 2002, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 C.F.R. 1.497(a)-(b) and the surcharge for late furnishing of the oath or declaration were required.

On 15 April 2002, applicant submitted a request for status under 37 CFR 1.42, accompanied by a declaration executed by the legal representative.

On 26 June 2002, the Office mailed Decision on Papers Under 37 CFR 1.42 refusing applicant's request.

On 14 August 2002, applicant submitted "Supplemental Response to the Notification of Missing Requirements."

DISCUSSION

Applicant's declaration complies with 37 CFR 1.497(a)-(b).

However, the declaration does not satisfy 37 CFR 1.63. Applicant will be required to provide an oath or declaration in compliance with 37 CFR 1.63 before a patent will issue. The declaration does not state the residence or last post office address of the deceased inventor.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

The application has an international filing date of 06 June 2000 under 35 U.S.C. §363 and a date of 14 August 2002 under 35 U.S.C. §371. This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing.



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